

REMARKS

The present amendment is submitted in response to the Office Action dated December 8, 2005, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by April 8, 2006.

Claims 1-16 are pending in this application.

In the Office Action, claims 2, 3, and 8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,077,165 to Hutchins. Claims 1-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 006855041B2 to Bocka. Claims 1-15 were further rejected under 35 U.S.C. 102(f). Claims 13-15 were rejected under 35 U.S.C. 103(a) as being obvious over Hutchins in view of Bocka.

In the present amendment, the specification was amended to add standard sectional headings and to delete reference to the claims.

The claims were amended to address the rejection under Section 112, second paragraph. In addition, the narrower limitation of claim 1 relating to the "oscillating sander" is now recited in new claim 16.

Claim 1 was amended to more clearly define the present invention over the cited references. Specifically, claim 1 was amended to add the features of claims 2, 8, and 9, which were canceled.

The Applicants respectfully submit that amended claim 1 defines a patentably distinct set of features that are not disclosed or suggested by the cited references, whether viewed alone or in combination.

Amended claim 1 provides a new, improved system over that disclosed in Bocka: the system defined in amended claim 1 not only is cheaper, easier and faster to build, but also permits wide tolerances for the individual parts of the clamping means. Further, in the system defined in amended claim 1, an active tongue or jaw swings together with the end of the sanding paper around a swivel axis to exert tensile strength on it. But in addition, during swinging around its axis, the active jaw forces the passive jaw to exactly follow its path around the axis.

The cited reference to Hutchins also shows resilient clamping means. However, this system does not work geometrically in the same manner as the present invention, because there are no tongs which swing around a real swivel axis. Rather, Hutchins provides only that the active jaw that is swingable around an axis, but not the passive jaw. During the clamping process, the active jaw only scratches over the sand paper and over the passive jaw without forcing the passive jaw and the end of the sand paper about a geometrically reproducible path. The sand paper is not clampable with the same strong force, and the tensile stress of the sand paper is not as high as with the present invention. In Hutchins, there is a much greater possibility that the sanding paper becomes loosened or lost with use under strong/heavy duty conditions than with the present invention.

Because amended claim 1 defines features that are not provided by the cited references, the rejection of claim 1 under Section 102 must be withdrawn. A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any claimed element negatives anticipation. *Row v. Dror*, 42 UPSQ 2d 1550, 1553 (Fed. Cir. 1997).

For the reasons set forth above, the Applicants respectfully submit that claims 1-16 are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


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